

MEMORANDUM

To: President VFY
From: PJM
Subject: Hapsburg - Update
Date: February 21, 2013-02-20

Executive Summary

Over the past 8-months the Hapsburg team has been critically active in a number of events that have been staged to drive specific and positive messaging for the GoU. In addition to the public events, the Hapsburg team has provided valuable back-channelling and timely information on relevant issues between European Commissioners and other high-ranking EU personnel.

The primary strategy of the Hapsburg team following the October 28th elections was to intensify relations with relevant EU institutions, EU leaders and several key member states including France, Germany and Italy. The objective was to change the tone and rhetoric coming out of the EU regarding its relations with Ukraine.

The first post-election event staged by the Hapsburg team was in Paris, where members of the team spoke positively about the election outcome, and used that analysis to encourage Europe to seize the opportunity of deepening ties with Ukraine and signing the AA. The event was impactful and focused the debate on relevant and positive issues regarding Ukraine, which was the intended outcome. Each time we change the rhetoric away from YT, we are making progress and focusing the West on positive changes that are occurring in Ukraine. This strategy proved effective in Europe, where the dialogue has changed to "engagement" with Ukraine, and the belief of the EU that the AA will be executed this year.

The Hapsburg efforts have been broadened to cover other key European countries, and as a result their success, they will also include the US where they can add important credibility to the dialogue that is occurring in the US Government.

Habsburg Activity (November 2012 – February 2013)

1. **Back-channel diplomacy** - In the past 90 days the Habsburg team has been especially active in engaging key European leaders behind-the-scenes to discuss issues on behalf of Ukraine.
 - The Hapsburg team have communicated privately with top officials such as Barroso, Ashton, and others in Brussels, and continue to speak with them in order to coordinate ways to help the GoU finalize the AA agreement. The involvement of the Hapsburg team with respect to these efforts has been successful with many important messages being exchanged between the two sides.
 - The Habsburg members have also spoken to EU officials and senior IMF officials about the importance of IMF cooperation and financial support for Ukraine.
 - Several of the team members have carried many messages for the GoU back and forth from Martin Schulz and other EP leaders, and is working hard to dilute many of the negative motions that have been suggested against Ukraine. We have also learned

about what YT is saying privately to EU leaders due to the success of the Habsburg network.

- Through contacts of the Habsburg team in Italy, work is being done with senior Government officials close to Prime Minister Monti to create closer relations in the trade and investment sectors, building a Ukraine-Italy Business Council and demonstrating the importance of Ukraine to Italy.
- The team is also having private talks with top advisers to President Hollande as well as French Foreign Minister Laurent Fabius to help improve relations, influence French policy, and gain support for the AA, and to argue Ukraine's case.
- The team will also continue to work behind the scenes inside PACE and the EP and to prevent negative statements and try and improve treatment of Ukraine.
- The team is fully engaged in working through the issue of selective prosecution with the goal of getting President Shultz to understand the broader picture and to focus on more policy oriented policy issues.
- In March, members of the team will be meeting with high-level USG officials to promote a positive "engage Ukraine" program for the US.
- New members are being brought on to the Habsburg team. These new members will be of the same calibre as the original members.

2. Post-Election Event in Paris and Media Campaign. In the wake of the parliamentary elections, the Habsburg team organised a conference in Paris in November to help convey positive messaging regarding the election. It provided an opportunity to discuss the country's European integration perspectives post-election, France-Ukraine relations and the advantages of the Association Agreement. Attended by key members of the team, the conference further examined perspectives for defence cooperation between NATO and Ukraine – with Kyiv playing the strategic role of bridge between the EU and Russia – and called for a more pragmatic approach to Ukraine-EU relations.

Extensive media coverage was conducted around the conference by the Habsburg team, including the influential TV news channel *France 24*, the weekly magazine *Marianne*; and the country's most popular newspaper *Le Monde*.

In addition, a lead story was published entitled, "*Leading European Statesmen Call for Steps to Improve Relations between Europe and Ukraine*". The news story was printed by 340 editorial publications.

3. Next Steps (Paris, Rome, Washington):

- All members of the Habsburg team are committed to continuing with the project and working with key EU leaders in the major European cities including Brussels, Berlin, Paris, and Rome.
- The Habsburg team will provide messaging and media engagement following the February 25th EU-Ukraine Summit. The team will also be speaking with key EU leaders throughout the summit driving critical messages to senior EU officials.
- Members of the team have been invited by Fabius to meet in Paris in early March to review French foreign policy toward Ukraine.
- All Habsburg members have agreed to participate in a series of at least six pro-Ukraine conferences plus multiple interviews, op/eds and roundtables during 2013.

- The first of the key conferences will take place for 2013 is on March 6th in Rome at the Library of the Parliament, with the high level participation of the team members. The Hapsburg team will engineer major positive media in Italy as a result of this event.
- The Hapsburg team will also do a series of events between March and May in Washington DC designed to change the public rhetoric directed at Ukraine, but to also influence key members of the US Government through private meetings held at the highest levels. This will include major speeches, participation in key events, and private meetings with senior US officials including Secretary of State John Kerry, and other members of the Administration.
- The Hapsburg team is also in the process of recruiting one or two new team members and position them in front of the media to support the leadership vision of the GoU. This will be relevant as we focus on the geopolitical value of Ukraine to the EU.
- The Hapsburg team also have a group of more than 15 potential MPs, who can become our advocates in the EP (including EPP members) and who can be integrated into the Hapsburg project so we can create more positive messaging and media directly in Strasbourg and Brussels for Ukraine.

Conclusions

The Hapsburg team has demonstrated many successes over the last several months. The elements of the Hapsburg project have proven very effective in dealing with the EU. The key to these successes is that the participants are significant European leaders who are viewed as objective regarding Ukraine. This has allowed them to make their points without any apparent self-interest, thus giving their comments more weight and impact.

The new year is already providing many more opportunities for Hapsburg to engage and provide substantial value to the Ukraine efforts.

By expanding the presence of the Hapsburg team to the US this year, several important objectives will be achieved much faster as a result of the direct involvement of the team.

It is critical that we use the Hapsburg team to coordinate key messages publicly, but to also leverage the team's experience, expertise, and network of high profile EU and US officials behind the scenes as much as possible.

The group will play a prominent role in the lead-up to Vilnius. They are fully engaged and briefed.

The EU rhetoric has changed dramatically over the last three months and is now truly engaging Ukraine on important issues. The Hapsburg team efforts will continue to ensure this happens.

MEMORANDUM

To: President VFY
From: PJM
Subject: US Consultants – Quarterly Report
Date: April 22, 2013

Over the last three months the Government of Ukraine has gained considerable ground in enhancing its relationship with the USG. This is largely a result of building a comprehensive strategy that adopted issues of importance to the USG, and focusing on key and positive messages to better inform key members of the USG about Ukraine's objectives which are in alignment with the West.

Strategy

Substantial effort was spent in 2012 to defend against proponents of YT and views that she was selectively prosecuted. At that time it was the priority of the USG to attempt to influence the process of her release. We learned quickly that we needed to do a comprehensive outreach that relayed important progress that Ukraine was making on multiple fronts. The strategy for the first quarter of 2013 was to heavily engage with the UGS and US Congress, using a strategy I built called "Engage Ukraine" which focused the dialogue on positive key issues, and away from YT.

These key messages include:

- Ukraine's integration with the EU
- Energy Security
- Russia attempting to have Ukraine align with the Customs Union
- Nuclear Proliferation

Impact

At the outset of 2013, the prospects for Congress imposing sanctions against Ukraine for perceived selective prosecution and regression in carrying out democratic reforms was high. Members of Congress, Executive Branch officials and opinion leaders criticized Ukraine on many fronts. Most importantly, these stakeholders hammered away at Ukraine for the imprisonment of YT. The challenges for changing the nature of the discussion were significant. The mood toward Ukraine was negative.

Following the holidays in December and early January it was widely expected that several members would be taking proactive and aggressive positions against Ukraine. However, one of the most critical goals that we have achieved during this quarter is to prevent the application of any sanctions against the GoU or its officials. We have been able to accomplish this by implementing key messages from the "Engage Ukraine" strategy, many of which resonate with key US officials.

Ub Q1m we have made progress in softening the perception of Ukraine in the US. Based on a sustained and aggressive implementation of our strategy, it is far less likely that Congress will impose sanctions against Ukraine. We have drawn out the White house, Dept of State and key Members of Congress on this issue and gotten them to endorse an "engage Ukraine" policy.



Messaging

Our “Engage Ukraine” messaging to policy makers focuses on two central themes.

1. We have and continue to emphasize the positive aspects of the US-Ukraine relationship. We highlight:

- **Defense and Security:** Ukraine has a proven track record of actively contributing to several NATO and international peacekeeping missions
- **Criminal Policy Reform:** This is one of the single best achievements that has been achieved by the GoU. This has shifted the debate significantly, and has resulted in reengaging expert European bodies to continue with more reforms.
- **Energy Cooperation:** The selection of Chevron and ExxonMobil to explore and develop shale gas and gas fields reflects a commitment by Ukraine to deepen its energy relationship with the U.S.
- **Combatting Maritime Piracy:** To combat piracy, Ukraine has taken a lead role and is an active partner in NATO’s anti -piracy operations in the Indian Ocean

These are just some of the substantive issues that we use with policy makers that are changing perceptions of Ukraine.

We have aggressively made the case to Congress and the Executive Branch that if sanctions are imposed against Ukraine it will undercut the European initiative to bring Ukraine into the European sphere. There is growing understanding that this would undermine both European and U.S. national security interests. This argument is resonating with policymakers in both political parties in Congress.

Who “lost Ukraine” will be a burden that Congress will shoulder should it pass legislation that mandates sanctions. We have been persistent on that point with key policy makers, and it is one of the single most effective arguments that turns the discussion away from YT and her imprisonment.

Outreach

We have carried our message to a wide audience. We have engaged dozens of Congressional offices including the leadership and every member of the Senate Foreign Relations Committee and House Foreign Affairs Committee. We have also worked with the Helsinki Commission and have educated members of the Senate and House Armed Services Committees on security questions.

Our engagement with senior officials of the Department of State is bearing fruit. While the U.S. policy continues to support Tymoshenko’s release, senior officials now agree with us that imposing sanctions could push Ukraine toward Russia. Thus, the State Department is now making that case to Congress, and continues to believe that engagement with Ukraine is the best course of foreign policy.

We have organized and leveraged the visits of the former Polish President Aleksander Kwasniewski and former Italian Prime Minister Roman Prodi to make critical in-roads in how policymakers view Ukraine. Toward that end, the Chairman of the House Foreign Affairs Committee, Rep. Ed Royce (R-CA) told Mr. Prodi that “we must continue to encourage pro-western forces in Ukraine”.

Speeches, roundtables and programming at major think-tanks such as the Carnegie Endowment for International Peace have also helped the broader Washington community understand the importance of the US for Ukraine to further its relationships with the West.

The pardon of Yuriy Lutsenko and five other prisoners is also a positive development that we have used effectively to argue against sanctions and to make the argument that the European Union should sign the Association Agreement with Ukraine. This step has also allowed us to leverage the progress in the US and have its support for the AA signing in the Fall.

Media

Since the beginning of 2013, we have been working across traditional and social media platforms to build a positive narrative for Ukraine in the US. The underlying theme for this narrative is the following: **Ukraine is an important global strategic partner to the United States and West that is committed to the necessary reforms for EU accession.**

We have delivered more specific messages that are representative of this theme, such as: **Ukraine is a global leader in energy production, is a significant contributor to the global economy, recognizes the rule of law as shown by the recent release of six prisoners, and Ukraine has been an active participant in combating maritime piracy.**

Our media outreach and strategy has included:

- placement of an op-ed by former Polish President Alexander Kwasniewski in a significant publication in Washington, DC that is delivered to every congressional office, the White House, and all U.S. federal agencies;
- placement of an op-ed by former Italian Prime Minister Romano in the Christian Science Monitor, a universal publication that has a high readership in many key foreign policy communities and among key policymakers in the US;
- pitching our narrative and messaging to key reporters and editors at the Washington Post, the Wall Street Journal, and New York Times; and extensive online outreach to relevant bloggers.

In the next few weeks we will be capitalizing on the upcoming visit of Foreign Minister Kozhara and Sergei Klyuiev by placing an op-ed (authored by Kozhara) for publication in an influential newspaper during or around the time of their visit.

After their visit, we will place an op-ed that highlights Ukraine's track record in working with Western fleets to combat maritime piracy. We have secured a retired US Navy Admiral – who is an expert in maritime piracy issues and who has experience working with Ukraine in this area – to author this op-ed.

Our ongoing efforts will include pitching bi-weekly press releases/news articles that highlight new, updated achievements and progress that Ukraine is making in its pursuit of the Association Agreement with the EU; identifying additional credible authors for op-eds that we will draft and have strategically placed; and developing and executing new digital strategies to increase the profile and narrative of Ukraine online and across multiple social media platforms.

Emerging Problem Areas

Given the changes in perceptions towards Ukraine, it is important to note the emergence of a broader issue agenda.

There are several issues that are growing in importance and will need to be addressed in the next 3 months.

1. IMF. There is a growing impression that Ukraine is unwilling to make the fiscal and monetary changes necessary to finalize a new loan facility. The new economic team led by DPM Arbuzov is viewed as competent and more organized than the previous team. However, there is a consensus hardening that the Govt of Ukr is not addressing the problems. While the gas tariff issue is a deal stopper, if a new strategy can frame an credible program that addresses the issues raised by the IMF Mission teams, some pressure can be applied with the new supporters in Washington. More than any other bilateral issue, the IMF matter is viewed as the litmus test of the seriousness of the Govt to fix its core problems.
2. WTO. RICK FILL IN THE ISSUE HERE AND SOME OF THE THINGS WE CAN AND WILL DO
3. IPR RICK FILL IN THE ISSUE HERE AND SOME OF THE THINGS WE CAN AND WILL DO
4. OTHER ISSUES/ RICK ID

Way Forward

The US consultants team will seek to leverage the hard work and important actions taken by the GoU taken in the first quarter to continue with the strong progress that has been made and further advance the "Engage Ukraine" agenda for the second quarter.

The USG strategy looks to leverage the reforms being promoted in compliance with EU conditions for signing the AA and DCFTA. Because there is less direct awareness in Washington, we will bring European leaders to Washington to educate USG officials of the important changes occurring in Ukraine and the progress being achieved in the reform and modernization programs.

Two of the critical reform areas are in the implementation of the CPC and the electoral changes made based on OSCE recommendations from the VR elections. Using visits by Ukr officials and European leaders, we will educate targeted officials in the USG.

The goal is to lay the foundation and protect the work that has been done to ensure that the AA is signed this Fall in Vilnius.

We will continue to identify, educate, recruit and mobilize third-party validators for Ukraine's west-ward focus, and goal of EU membership through our "Engage Ukraine" outreach campaign. Our primary goal is to ensure signing of the AA and to prevent the passage of sanctions against Ukraine. This will take a sustained effort in Congress and in the executive branch to ensure that the progress we have made is not reversed. We will also continue to establish representation in Congress on behalf of the GoU during any relevant Congressional briefings and hearings.

Our team will directly work to advance our existing relationships, or construct them where they are preliminary, with Members of Congress that will be in a direct position to influence policy regarding Ukraine. We have made much progress in the beginning of 2013 and the

To: SL
From: PJM
RE: Hapsburg Activities Update and URGENT ACTION REQUEST
Date: February 24th, 2013

- Right after the EU-Ukraine Summit, i propose to reinforce the key geopolitical messaging of how "Europe and the U.S. should not risk losing Ukraine to Russia" through an intensive 60 day Habsburg activity phase. The plan would be to build on current schedules of the Principals as well as self generated opportunities.
- The immediate plan begins with AK's DC visit next week (Feb 28/March1), followed by RP in mid-March (march 13/14) and then AG (April 2/4) in early April. The aim is to help influence the new power base in Washington to steer away from sanctions and resolutions, and understand the bottom line in geopolitical terms, alongside energy security, trade and business opportunities.
- Separately, we are organising an important conference in Rome on March 6th with three Habsburg members participating. I need to secure one major Ukrainian to participate with my preference being Irina Akimova. We are organising media.
- I have conducted several calls with AK and AG over the weekend to discuss importance of clear messaging and availability for bilaterals or media during AK's DC trip this week. He is prepared to aggressively promote the importance of an "Engage Ukraine" theme during this visit to Washington. Additionally, I am editing an advance copy of AK's speech at John Hopkins.
- The DC VISIT OF AK. He arrives in DC on the 27th at night. He has meetings most of the 28th, with the lecture at John Hopkins taking place from 12:30 to 2pm. He will do all additional meetings we schedule including meeting with Congress, Administration officials and important media on February 28th and on March 1st.
- RP will meet Secretary Kerry at a dinner in Rome on Feb. 28th. RP will mention that he'll be in DC in mid-March and that it would like to meet Kerry to brief him on a number of important initiatives in which he is engaged. This will presumably elicit Kerry's invite. The bilateral should be fixed for March 13 afternoon or March 14 morning.
- Additionally, we will schedule RP from afternoon March 13 to afternoon March 14 with media and USG officials in the Congress and Obama Administration.
- We are in the process of drafting a RP op/ed in the lead up to his DC visit, further stressing the geopolitical message, and the strategic importance of Ukraine to EU and energy security and shale gas opportunities for U.S. corporations.



- AG has confirmed a U.S. visit April 2-4. During this visit we will organize a similar schedule for him in NY and Washington.

ACTION:

I am being pressed by Hapsburg for fulfilment of the obligation that was due on Jan 2, 2013. I am attaching the relevant document.

I really need to get this IN FULL this week before AK goes to Washington and before RP meets with Secretary Kerry on Feb. 28.

MEMORANDUM

To: SL
From: PJM
Subject: Portnov – US Visit
Date: February 26, 2013

Summary

Andriy had a very good visit to the US last week based on the conversations I had with several of the people he met, and meetings he attended. I provided an earlier memo on his visit with Congressman Keating's staff at the beginning of the week. I want to focus this memo on the Carnegie event he did on Friday, and the substantial progress that was made on several key issues.

The event included Andriy, Deputy MFA Andrii Olefirov, and DAS Thomas Melia and was a "roundtable conversation". Opening comments by each participant were limited which provided a significant amount of time for questions and responses.

The significance of the event from my perspective is the tone and tenor of the dialogue toward Ukraine. It was genuinely positive, open-minded, constructive, and did not focus on YT. There were 11 members from the US State Department and five members from the US Department of Justice. Over 98% of the conversations focused on judicial reform, what has been completed, what more can be done, OSCE, Ukraine's role of chair, what Ukraine can do for the OSCE, what the OSCE can do for Ukraine, and some focus on freedom of media.

Key comments and opinions came from members of State and Justice in regards to justice reform and the OSCE chairmanship. In particular, I want to highlight two comments. The first statement was made by John Engstrom (US Justice), who has worked with Andriy for the last two and a half years on the criminal justice reform and the CPC. He stated that true progress had been made in Ukraine, and the country was on the right path. They should be complemented for progress and he looked forward to continued efforts. He was the first official to indicate that the DoJ would very much be a partner with Ukraine on continued judicial reforms.

The second statement came from DAS Melia. He has been critical of Ukraine in the past, but during this event he was effusive about the partnership between the US and Ukraine, and the progress that has been made on key reforms. Melia stated that it was in the "best interests of the US for Ukraine to be a successful country." He finished by saying that as diplomats sometimes people say something and do not mean it. And other times they say what they mean. In this case, Melia firmly believes that the US and Ukraine are and will remain friends, and have a positive future together. This was further reflected in the statement issued by State which positively assessed the working group that met after the Carnegie event.

Next Steps and Key Actions

The dialogue, the attitude and the openness displayed at the Carnegie event represent an opportunity for the GoU to change the rhetoric in Washington, DC. It could not come at a better



moment. We must seize upon this opportunity and make sure that we fill the space with dialogue about important and relevant issues.

From the event we learned that the key issues we should focus include:

1. Continued judicial reform. While much praise was given to Ukraine there were comments that other work needs to be done. Specifically, on the code that provides powers and responsibilities to the Prosecutor General's Office. Andriy did a good job of describing the job that had been done so far, and indicated fully that the GoU would make further enhancements with the help of EU and US experts on prosecutorial code.
2. Ukraine's role as the OSCE Chair
3. Other key reforms including less regulation for business, and efforts to improve the business and investment climate.
4. Energy security

I want to provide a few notes from comments by Ambassador Jim Collins, who is a major sponsor of Carnegie. He commented that the rhetoric in Washington was shifting toward Ukraine in a positive way. Especially within the Administration there is a growing collective opinion that Ukraine is important to the US and the US wants Ukraine to succeed. There is less focus on the YT issues despite it being a major issue in the overall context of US relations with Ukraine. But what has changed is the idea that the US will engage Ukraine only when YT is released. Just as has occurred in the EU, the US Administration is beginning to move toward the importance of the Ukraine's relationship with US solely based on strategic issues. This is a breakthrough in his words and we must capitalize on this momentum. In addition, he commented that the Magnitsky Act was a major US policy blunder, but it also showed that any foreign government needs to deal with the Admin as well as Congress. He stated that State is firmly grounded in the policy of no sanctions should be applied against any country. It is not the way to develop relations, and is not effective.

Key Actions

- The success of Andriy's visit is important and timely. It shows that a continued presence by key Ukraine leaders coming to the US is effective, and can change the rhetoric. We need to have Andriy come back to the US on a semi-annual or quarterly basis.
- We need to increase the frequency of key members from the GoU coming to the US. We have several key issues to focus on as mentioned above. We need to find key people that can represent Ukraine on these issues. This is important as we change the dialogue and create the positive stories that will change the focus of the Admin and members of Congress toward Ukraine.
- By having members of the GoU come to the US we shift the focus to these individuals. Their events, their meetings and dialogue all move the focus toward these individuals and away from YT. We must continue to do this. Especially over the next 4-6 months leading up to the AA signing.

MEMORANDUM

To: SL
From: PJM
Subject: US Consultants Activity – Weekly Update
Date: April 21, 2013

There are a number of key events in the last two weeks, largely focused on the EU's preparations to sign the AA in the Fall. Our efforts in the last week have focused on a number of themes that have played well in the US and in Europe.

Congressional Meetings

Last week the US consultants continued meeting with members of Congress providing them with updates on the Lutsenko release, progress on EU integration efforts, and criminal justice reform. The Lutsenko case continues to be a sign of significant progress in the minds of the USG although many continue to call for the release of YT.

Our team worked with the WH (NSC) to release a statement that was very favorable and did not mention the situation of YT at all. This was an important acknowledgement and recognition by the USG as typically the State Department would issue such a release. In addition, the progress that has been made by Ukraine in terms of its efforts toward EU integration has been noticed as well. We are providing members of the USG with a weekly report on the legislation that has been passed by the Rada as part of the EU action plan.

Key members of the USG and their staff that were briefed directly include:

Congressmen

Ed Royce	Chairman, House Foreign Relations Committee
Dana Rohrabacher	Chairman, Subcommittee on Europe and Eurasia
Eric Cantor	Majority Leader
John Shimkus	IL Congressman with large Ukrainian constituency
Bill Keating	Ranking Member, HFRC
Marcy Kaptur	Chairwoman, US-Ukraine Congressional Caucus
House Foreign Relations Committee Staff	

Senators

Bob Menendez	Chairman, SFRC
Bob Corker	Ranking Member, SFRC
John McCain	SFRC Member
Chris Murphy	Chairman, SFRC Subcommittee on Europe
Dick Durbin	Deputy Majority Leader
Senate Foreign Relations Committee Staff	

State Department

Dan Russell – DAS for Europe
 Bill Danvers – Deputy Chief of Staff
 Liz Sherwood-Randall

WH and NSC

French Minister of Foreign Affairs – Meeting

Important meeting that AG had with the French Minister of Foreign Affairs, Laurent Fabius, in Paris the week of April 11th, resulted in the statement below being released by French Ambassador Alain Remy. This statement is a direct result of AG asking Fabius to have this issue raised in the EU.

European ambassadors expect Rada to work effectively for early signing of Association Agreement

Kyiv, April 11 (Interfax-Ukraine) – French Ambassador to Ukraine Alain Remy has expressed concern over the situation in the Ukrainian parliament. "We're watching with concern the situation in parliament that has developed over the past months," the ambassador said at a round table meeting, entitled "The Association Agreement. Terra Incognita?" in Kyiv on Thursday. He said the EU expects the Ukrainian parliament to play an active role in preparing for the signing of the EU-Ukraine Association Agreement, and that it will also play a role in raising public awareness about the benefits of this document. Slovakia's Ambassador to Ukraine Pavol Hamzik said he agreed with Remy about the blocking of the Verkhovna Rada of Ukraine. "Blocking of the parliament for four to five months is not quite up to European standards," he said. According to the diplomat, the actions of the Ukrainian opposition were understandable from the political point of view, but not clear from the point of view of Ukraine's movement towards the signing of the Association Agreement. "We need to sit down and work hard to find common ground," Hamzik said.

Intellectual Property Rights Issue and Strategy

We have been following the Intellectual Policy Rights (IPR) issue once we were alerted that Ukraine would likely be listed as a "Foreign Priority Country" by the United States Trade Representative (USTR). This is a poor designation and basically asserts that Ukraine has regressed with respect to protecting IP. A list of countries is sent to the US Congress in a report submitted at the end of April. Congress takes no action other than acknowledging the report. The USTR would likely make a statement following the release of the report.

We have developed a comprehensive communications plan to make sure that the GoU properly addresses this issue when it is raised at the end of the month or first week of April. We need to make sure that demonstrate that the GoU is serious about this issue and will work with the USG to implemented needed changes.

Ukraine MFA

The consultants team have been working in preparation for the visit by MFA Kozhara on May 7-9th in Washington. A meeting with Secretary of State John Kerry is scheduled for May 8th. We will also be preparing some meetings with key members of Congress and the business community. The Minister will be meeting with Congressman Ed Royce – Chairman of the House Foreign Affairs Committee, and Senator Bob Menendez – Chairman of the Senate Foreign Relations Committee.

News Articles

This week we directed the efforts of a number of positive news articles that appeared in several prominent publications and in the digital media space. These articles were done in tandem with key efforts we have been focusing on to emphasize the positive progress Ukraine has made on several key issues.

Below is the title of the article and which media outlets published the stories. The links to the full article's are also below for reference.

"Extension of European Parliament's Ukraine Mission: A Triumph of Dialogue Over Isolation" – April 19th

Story on the EP's approval to extend the Cox-Kwasniewski mission in Ukraine

Major Publications: Wall Street Journal, Bloomberg, Boston Globe, and Business Journal.

http://online.wsj.com/article/PR-CO-20130419-903441.html?mod=googlenews_wsj

"Europe Makes the Wise Choice to Engaging Ukraine" – April 18th

Blog on the importance of continued EU engagement of Ukraine supported by renewing the Cox-Kwasniewski mission.

Publication: Center for the Study of Former Soviet Socialist Republics (CXSSR)

<http://cxssr.org/2013/04/europe-makes-the-wise-choice-to-continue-engaging-ukraine/>

"Ukraine Opposition Parties Urged to Support Bill Vital for EU Integration" – April 17th

Article that focuses criticism by EU officials on making sure that the opposition forces do not prevent necessary work in order to sign the AA.

Major Publications: Wall Street Journal, Bloomberg, Reuters, Boston Globe, and Business Journal

http://investing.businessweek.com/research/markets/news/article.asp?docKey=600-201304170420PR_NEWS_EURO_ND_enUK201304170079_Publ-1

"Will Ukraine Seize Its EU Chance?" – April 13th

Oped by Matthew Rojansky at the Carnegie Endowment for International Peace

<http://carnegieendowment.org/2013/04/12/will-ukraine-seize-its-eu-chance/fzhf>

MEMORANDUM

To: SL
From: PJM
Subject: AG Trip Report
Date: June 9, 2013

Last week we brought AG to Washington, DC to meet with officials in the USG, the US Congress and strategic think tanks in an effort to continue the successful messaging of the "Engage Ukraine" strategy. We have found that the USG and the US Congress are receptive to a number of our goals, but we need to continue to constantly outreach to these members.

The goals of AG's trip were to focus on key issues of importance and relevant as it relates to Ukraine's bid to join the EU. The primary goals included the following:

GOAL: To support the position of EU enlargement thereby encouraging EU integration with Ukraine.

GOAL: To help decision makers in the USG understand that Ukraine is of strategic importance to the US and the EU, and that if Ukraine is not guided toward EU integration then it will fall to Russia.

GOAL: To communicate with members of the USG about the numerous areas where Ukraine has made progress in aligning with the West.

This report provides the salient points of the discussions AG had with various members of the USG, Congress and other third parties related to the "Engage Ukraine" strategy.

Meeting with Congressman Chris Smith Co-Chairman of the Helsinki Commission

AG met with Rep. Chris Smith and his staff today for about an hour and a half. The atmosphere was positive and cordial and they had a productive exchange of views.

After a discussion of human rights in China and human trafficking issues AG focused his comments on Ukraine and the importance of engaging the country and promoting its integration into the European Union.

AG made the following key points:

- Ukraine will be achieve democratic reforms by being centered in the west
- Ukraine being too reliant on Russia would not be good for the region or Europe
- Russia is leaning on Ukraine and Ukraine is leaning on the West. "We don't want Ukraine reliant on Russia"
- There is a strong consensus across the political spectrum in Ukraine to sign the Association Agreement with the EU. Tymoshenko supports the AA. It would be a different matter if the opposition opposed the AA



- France is changing its attitude toward Ukraine in a positive way. Germany has a privileged relationship with Russia but Merkel has a special relationship with Tymoshenko
- The EU Parliament has appointed officials to monitor the Tymoshenko case and we hope the issue is resolved. They are hoping that Tymoshenko will receive a humanitarian parole and get medical treatment in Germany
- We are concerned that Putin is trying to reconstitute the Soviet Union in a different circumstance. Ukraine is crucial to this effort
- Signing the AA would allow us to promote democratic and judicial reform
- The US is not involved in the AA but Europe is sensitive to American concerns
- The US should promote engagement not isolation of Ukraine

Smith made the following key points

- Ukraine needs to get the Tymoshenko piece behind them. It would help Yanukovich focus on other key reforms and get those done. Smith indicated that he is prepared to work with President Yanukovich in this regard.
- I have been receiving a lot of information this year from the Ukraine Govt and am pleased with the progress that appears to be occurring there.
- I have tried to get OSCE chairpersons to focus human trafficking and I am pleased that the Ukraine FM is focusing on this topic now.
- I support engagement as a way to promote human rights but I believe there are tools that you have to use to get there
- He is going to the human trafficking conference in Ukraine next week and agreed on the spot to have lunch with the foreign minister

The meeting ended on a positive note and they agreed to stay in touch.

Lunch with Congressman Ed Royce **Chairman of the House Foreign Affairs Committee**

AG and Chairman Royce had a 20-minute conversation on Wednesday. The conversation was very productive and we believe we have continued to make significant progress with the Chairman.

AG pressed his concern that if the AA agreement was not signed, Ukraine would be far too reliant on Russia, which could potentially destabilize the region. He also stressed that many in the EU are concerned that Putin is working to put the Soviet Union back together and his Customs Union provides a platform for this to occur. While recognizing the Ukraine likely needs to play a role in the Customs Union for their own economic benefit, it is far more important to have Ukraine join the European Union and sign the AA agreement right away. He also said the United States needs to continue to be supportive of Ukraine's engagement with the European Union and that the EU will undoubtedly look to America to see how we view the relationship.

Chairman Royce agreed with AG's points and stressed that Ukraine needs to continue on its path towards European ascension. The Chairman was very knowledgeable on the topic and our "take-away" from the meeting is that he is very sympathetic to our views and possibly willing to help.

Meeting with Will Pomeranz,

Director, Kennan Institute, Woodrow Wilson Center

AG and Mr. Pomeranz met for about 45 minutes on Wednesday.

They shared a lengthy discussion regarding Putin, the current political state of Russia, and the future in terms of Putin's attempt to enlarge his sphere of influence. The conversation was cordial and very matter-of-fact, in which they both shared views on why the European Union is the best choice for Ukraine both politically and economically, and both agreed that the Tymoshenko issue was taking too much attention away from substantive matters that need more focus. Mr. Pomeranz asked AG to stay in touch and Mr. Pomeranz has also since contacted our team to see if we would be able to sit down in the very near future and discuss Ukraine further.

**Meeting with Congressman Bill Keating (D-MA)
Ranking Member, HFA Subcommittee on Europe**

AG met with Rep. William Keating (D-Mass). Keating is the ranking Democrat on the House Foreign Affairs Subcommittee on Europe. Naz Durakoglu, the Staff director of the Subcommittee participated in the meeting as well.

The meeting was cordial and friendly. In addition to their conversation about Ukraine they discussed US transatlantic trade negotiations with Europe and their shared affinity for baseball and the Boston Red Sox.

AG made the following key points:

- Russia is pressuring Ukraine to join the Customs Union.
- Ukraine is being squeezed by Russia with higher gas prices.
- The political class does not want to yield to Russian pressure and would rather turn to the West.
- Tymoshenko and the opposition favor signing the AA with the EU.
- Ukraine has a better chance of achieving democratic and judicial reforms by being situated in the West.
- Ukraine has launched and continues to implement major judicial reforms to change a system that is from the old Soviet Union.
- The EU is sensitive to US concerns about Ukraine and it is important that the US send positive signals.

Keating asked if Tymoshenko will be released. Gusnebauer responded that the European Parliament is trying resolve the issue.

Keating concluded the meeting by saying that he wanted to engage Ukraine in a positive way.

**Meeting with Congressman Tom Marino (R-PA)
HFA Subcommittee on Europe, Eurasia, and Emerging Threats**

Discussed Ukraine status with EU, Russia and Dr. Guesnbauer made key points:

- The status of Tymoshenko and the possibility of a compromise allowing travel to her doctors in Germany
- The friendship of Angela Merkel and Tymoshenko
- The Opposition and Tymoshenko are supporting Ukraine Association Agreement
- Russia's heavy hand on Ukraine energy supply
- Pulling Ukraine west and to the EU is a strategic
- Russia is attempting to reconstitute the old regime geography
- Ukraine's shale gas reserves

Rep. Marino comments:

- Marino spoke about the importance of using the shale gas as a way to foil Putin ambitions
- The Congressman is a member of the NATO PA and sees natural gas supply as a strategic necessity for the EU
- He discussed the Marcellus and that is district sits on it
- He is fully supportive of Ukraine and the Association Agreement
- Marino mentioned he studied in Vienna and enjoyed Austria
- He had been briefed by Romano Prodi in an earlier meeting on several key issues related to Ukraine's integration into the EU

Meeting with Congressman Bob Aderholt (R-AL) US Helsinki Commission (OSCE)

AG met Rep. Aderholt who is a Member of the Commission on Security and Cooperation in Europe (commonly referred to as the Helsinki Commission). He is also a senior Member of the House Appropriations Committee

Rep. Aderholt was delayed briefly because of votes but AG spent significant time discussing Ukraine and other regional issues with the Congressman's CoS Brian Rell and Foreign Policy staffers.

With Congressman Aderholt AG made points on:

- Off the record Tymoshenko issue may be a compromise letting her go to Germany for treatment
- EU Association Agreement is progressing and important to western strategic balance
- Merkel and Tymoshenko are friendly
- Tymoshenko and the opposition party have come out in favor of the EU Ukraine Association Agreement without conditions on her release
- EU is applying various pressures for her release but careful not to drive Ukraine toward

Congressman Aderholt comments:

- He was minimally interested in Tymoshenko but understood the Russia problem
 - Mentioned the Commission meeting coming up in Istanbul
 - Agreed with the strategic value of Ukraine being western leaning versus Russia
 - Very concerned about Russian tactics on natural gas supply
-

Baxter Hunt
US State Department
Director for Ukraine, Moldova and Belarus Affairs

AG met with Baxter Hunt, Director, Ukraine for Moldova and Belarus Affairs at the Department of State.

The meeting was cordial and productive. AG made the following points:

- The consensus in Europe is that the Tymoshenko issue must be resolved.
- The EU is advocating for her release.
- Russia is pressuring Ukraine.
- Putin wants to reestablish the former Soviet Union.
- Ukraine pays Russia higher gas prices than any other country in Europe.
- We don't want to push Ukraine into the arms of the Russians.
- Signing the Association Agreement (AA) is good symbolically and practically for Ukraine.
- Even if AA is signed every state must ratify it so there is still an opportunity to ensure Ukraine meets conditions.
- Tymoshenko may be granted a humanitarian release and get sent to Germany for medical treatment.
- If Tymoshenko stays in jail it will be a problem for German Chancellor Merkel.

Baxter Hunt asked what other Capitals are saying about Tymoshenko. AG responded that Sweden wants the Baltic States to sign an AA and will most likely not oppose Ukraine. France is softening its tone. If Germany sees support for the AA it is not likely to veto the signing.

Hunt made the following points:

- He does not see the EU signing the AA if Tymoshenko is charged with murder.
- President Yanakovich still sees Tymoshenko as a dangerous rival, which is why he may not release her before the 2015 Presidential election.
- Tymoshenko is more popular outside Ukraine than inside Ukraine.
- Even if Tyomshenko is released for medical reasons it would be a big step.
- We welcome Lutsenko's release but Tyomshenko must be released.
- Ukraine needs to get past Tymoshenko. She is a litmus test for where Ukraine is headed.
- State Department does not support sanctions. NGO's may support it, but Hunt is doubtful Congress does. Sen. Durbin (D-IL) is likely to introduce a resolution calling for Tymoshenko's release, but we don't think it will mandate sanctions.

AG responded with the following points:

- Tymoshenko strongly supports the AA and so does the opposition.
- If Tyomshenko ran it would split the opposition and President Yanukovich would win reelection.

Conclusions

The trip was very successful. AG had several important key meetings and the feedback we have received from him further validates that the majority of the USG and Congress want to see

Ukraine as a part of the EU. Also, we continue to see the discourse changing away from YT's release (although the issue needs to be resolved) to one of engagement of Ukraine by the USG.

MEMORANDUM

To: SL
From: PJM
Subject: Hapsburg and US
Date: July 10, 2013

It is important that we engage the Hapsburg team in regards to the work we are doing with the most recent Durbin Resolution. As you are aware, the recent visits by several members of the Hapsburg team were extremely successful in communicating key messages with credibility and had a significant impact on our work. As result of these efforts the most recent resolution is a weak and water downed version of the previous resolution and has no mention of sanctions.

We are attempting to delay the current Durbin resolution and have it not interfere with the current work relating to the Association Agreement. In order to do so, part of our strategy is to deploy some of the Hapsburg team to make calls to specific members in the US Congress based on their relationships. The Hapsburg team is reluctant to continue moving forward with my requests until the contractual issues are resolved.

I cannot impress upon you the importance of using the Hapsburg team as a resource. We are at an extremely critical time in both the US and the EU, and we cannot afford to lose the ground that we have gained over the last several months. Please let me know what we need to do to get this issue resolved ASAP.

The US Congress is expected to move on all action items before the end of July when the Congress will recess for the summer. I need to have this issue resolved by next week or it will have consequences. Please let me know what you need from me, if anything, to finalize this issue.

